IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16704 of 2004

Between:

Chintala Raji Reddy, S/o. Mohan Reddy,
Mamidalapally Village, Veenavanka Mandal, Karimanagar Dist.
..... PETITIONER

AND

1 The Revenue Divisional officer, Karimanagar.
2 The District Panchayat officer, Karimnagar.
3 The Commissioner for Panchayat Raj & Rural, Employment, A.P., Hyderabad.
4 Gudipati Swaroopa, W/o.Rajireddy,
Mamidalapally Gram Panchayat, veenavanka Mandal, Karimnagar Dist.
5 Enaganti Rajaiah, S/o.Odelu,
Mamidalapally Gram Panchayat, Veena Venka Mandal,
Karimnagar Dist.
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the action of the respondents in conducting the meeting of the Gram panchayat Mamidalapally of veenavanka Mandal, Karimnagar District on 17-9-2004 as per Lr.No.S/4733/2004, dated - 9- 2004 issued by the Revenue Divisional officer, Karimnagar for considering the Motion of want of confidence against the upa-Sarpanch i.e., petitioner herein as illegal, arbitrary and contrary to the provisions of the A.P. Panchayat Raj Act.s

Counsel for the Petitioner:MR.D.BALA KISHAN RAO

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent Nos.4 & 5: ----

The Court at the stage of admission made the following ORDER:

The only ground on which, the impugned notice was issued in Form No-IV to convene a meeting of the Gram Panchayat for considering the motion of no confidence against the petitioner-Upa Sarpanch, Mamidalapally, is challenged that is since two members, who are respondent Nos.4 and 5, of the said Gram Panchayat are having three children each and therefore, they are disqualified to continue as members of the Gram Panchayat under Section 19(3) of the Andhra Pradesh Gram Panchayat Act, 1994 (for short "the Act").

Learned counsel contends that on the complaint made by the petitioner, the second respondent-District Panchayat Officer, Karimnagar addressed a letter dated 08-09-2004 to the Mandal Revenue Officer, Veenavanka to conduct an enquiry into the matter and submit a report. In turn, the Mandal Revenue Officer, Veenavanka submitted a report on 13-09-2004 confirming that respondent Nos.4 and 5 are having three children each. In view of the said report, the respondent Nos.4 and 5, who have expressed no confidence motion against the Upa Sarpanch (petitioner) of the Gram Panchayat, cannot be acted upon for issuing notice.

As per Section 22 of the Act, until the disqualification is decided by the District Court, the member elected shall be entitled to act as if he is qualified or were not disqualified. In view of the same, the submission made by the learned counsel for the petitioner that the issuance of impugned notice to consider the no confidence motion against the petitioner as arbitrary and illegal cannot be countenanced.

The writ petition is accordingly dismissed. No costs.

17th SEPTEMBER, 2004.

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To

1 The Revenue Divisional officer, Karimanagar.
2 The District Panchayat officer, Karimnagar.
3 The Commissioner for Panchayat Raj & Rural Employment, A.P., Hyderabad.
4 Two CCs to the Government Pleader for Panchayat Raj & Rural Development, A.P.High Court Buildings, Hyderabad.(OUT)
5 Two CD copies.